

Memorial Resolution

S. R. No. 27—By Senator Aikin:
In memory of B. I. Jordan, Jr.

Adjournment

On motion of Senator Martin the Senate at 11:40 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

EIGHTH DAY

(Continued)

(January 18, 1962)

After Recess

The Senate met at 10:30 o'clock a.m. and was called to order by the President Pro Tempore.

**Address by Senator Hardeman on
Life and Character of General
Robert E. Lee**

The President Pro Tempore recognized Senator Moffett:

Senator Moffett made the following remarks:

Mr. President and Members of the Senate:

The time has arrived pursuant to S. R. 17 for an address by the Senator from Tom Green on the life and character of General Robert E. Lee. General Lee's birthday anniversary is on January 19, but in anticipation that the Senate may not be in Session tomorrow, it was deemed appropriate to honor his memory by this program today.

With this explanatory statement I now present Senator Hardeman.

Senator Hardeman proceeded to the Secretary of the Senate's Reading Desk and addressed the Senate as follows:

Mr. President and Members of the Senate:

The tedium of the times suggests that we may well pause in the routine of official activities for an address, whether by me or another, on the life and character of the South's most gallant son, on the day preceding the anniversary of his birth one hundred and fifty-five years ago, as explained by Senator Moffett, and which will be observed throughout the Southland on the morrow. His name is emblazoned on the hearts of

all whose senses of appreciation of honor and loyalty have not been dulled by those would traduce these basic traits or hold them lightly.

I feel particularly honored by my designation in S. R. No. 17, sponsored by Senator Moffett, the distinguished Senator from Hardeman, to attempt this assignment. I am grateful for this manifestation of your confidence and I earnestly hope that my sincerity may compensate for my inability to adequately portray the life and character of him whom we pause to honor and to whom we desire to pay appropriate tribute. I recall no similar program during the three lustrums I have been a member of this body. I commend this observance as a precedent.

Even with this feeble effort we may be able to reflect, briefly, upon some of the things that exalted General Robert E. Lee to the highest pinnacle of personal honor and integrity and set him apart as the supreme example to be emulated in the fulfillment of any noble earthly ambition.

It was Pericles, the eminent Grecian orator who said, in one of his classic orations, while memorializing those who fell on the field of battle during the Peloponnesian War, that he commended the fitness of honoring their immortals in an appropriate way, but he doubted the wisdom of attempting to embellish their careers with overdrawn speech. He made bold to say that, where men's deeds had been great, they should be honored for their deeds only; and the estimate placed on men, after death, should never depend upon the judgment, good or bad, of any one man. So it shall be as we proceed with this attempt to depict the life and character of him in whose memory this date is observed. Our history, during a century past, has built around him a name and a fame that will light the pathway of generations yet unborn for a thousand years. Patriotism and admiration will not let us forget his mighty stroke for principle and his devotion to duty, even if we would.

Time and circumstances, perhaps, preclude an extended background discussion of conditions preceding the event which was to cast General Lee in his role as America's greatest soldier even though "Fate denied him victory, but Fame clothed him with glorious immortality."

He was truly "a gentleman to the

manor born," and "no greater encomium can be paid a man than to say 'he is a gentleman.' . . . There is no character so respected and honored as the gentleman. The word 'gentleman' cannot be easily described for . . . it has no synonym and no correlative. It is more than loyalty and chivalry. It combines honor with humility, veracity with meekness and makes purity glow on the heart as a diamond flames on the breast . . ." Of noble parentage, there coursed through his veins the blood of Revolutionary heroes and of Virginia's most respected families. He was the illustrious son of a noble sire—"Light Horse Harry" Lee—one of General Washington's most trusted lieutenants and who spoke the immortal, descriptive, words about his great, former Commander-in-Chief as being "first in war, first in peace and first in the hearts of his countrymen." His mother was the gracious, intelligent and gentle Ann Carter Lee who imbued her son with the strength of character which sustained him in his hours of momentous decisions and which ever characterized his honorable career.

It will serve no purpose to dwell upon the misfortune which befell his distinguished father and which, no doubt, made a lasting impression on the adoring young son, no less than on his mother who taught him the virtues—thrift and self-denial—which his father lacked.

Young Robert grew up just across the Potomac River from Washington, from which point, at the age of seven, he saw the smoke rising from the burning capitol of his country on that black day in 1814, when the British, under Admiral Ross, landed and burned the White House itself, and from which Dolly Madison rescued the Stuart painting of General Washington—one of our most prized possessions. Circumstances caused him to assume responsibilities far beyond his years, but his heavy and unusual duties during his father's absence and his mother's illness, helped build the character of the man he was to become.

The devotion of his mother, the patriotic record of his courageous father and the inspiration of General Washington, of whom his father and mother spoke in almost religious reverence, doubtless, contributed to the strong military tradition which was to influence him. Before Robert

was out of his teens, the venerable Marquis de Lafayette voyaged from France to visit in the home of the widow of Light Horse Harry Lee and shake the hand of her son.

His great ambition was to become a soldier and wear his country's uniform like his heroic father before him.

Appointed to West Point by John C. Calhoun, then Secretary of War, he entered at the time Cadet Jefferson Davis, whom he would know exceedingly well in later years, was an upperclassman at the Academy. Young Lee's strong body enabled him to withstand the rigors and hardships of cadet training, during which time he never received a demerit for any infraction of the rules or misbehavior. Upon graduation he stood second in his class of 46—the survivors of 87 hopefuls. In the class was Joseph E. Johnston who was to become one of his most trusted generals in the War Between the States.

While on furlough he discovered Mary Custis, daughter of General Washington's adopted son and the grandson of Martha Washington, whom he married two years following his graduation from the Academy.

Assigned to active duty with the Army Engineers, 2nd Lieutenant Lee was first stationed at Savannah, Georgia, and later sent to Fortress Monroe. His first fifteen years in the Army were rather dull, but his happy family life at Arlington, his wife's home, compensated therefor. Seven children were born to the Lees. Then came the War with Mexico, by which time Lee had been promoted to Captain. He was then ordered to join the American forces stationed at San Antonio and, subsequently, assigned to General Scott's army in Mexico where his brother-officers included many who would win fame in later years, either fighting beside him in the Confederate Army or seeking to destroy him in battle: Joseph E. Johnston, Albert Sidney Johnston, whose portrait adorns this Chamber, Pierre G. T. Beauregard, Stonewall Jackson, George Pickett, A. P. Hill and Jubal Early, all of whom would serve as generals in the Confederate Armies; and U. S. Grant, George McClellan, Irvin McDowell and a number of others who would lead Union forces against them.

Captain Lee played a major part in the capture of Vera Cruz, which was followed by his brilliant strategy at

Cerro Gordo, defeating Santa Anna at this mountain-pass, in the onward march to Mexico City, whereupon he was promoted to the rank of Major. Upon reaching Mexico City, it was Major Lee whom General Scott designated to scout the area for a way to attack the enemy from the rear and in which battle Lee displayed great courage, military genius and physical endurance that almost defy belief. With the assault on Chapultepec, the most formidable of all the forts in Mexico, as planned by Major Lee, during which a bullet gave him a minor wound, Chapultepec fell and the city surrendered the next day. Major Lee had recovered sufficiently to watch the American flag being raised over the Mexican capitol. Again he was promoted, this time to Brevet Colonel, and again dispatches and reports from the battlefield praised the son of "Light Horse Harry."

Colonel Lee came home to Arlington and to fame. He was appointed Superintendent of West Point and served under the new Secretary of War, Jefferson Davis, with an outstanding and constructive record. It was during his three years tenure as Superintendent of West Point that Lee became a member of the Episcopal Church whose influence was never to leave him, nor would his faith in Almighty God, no matter how dark the hour.

Two principal issues were hopelessly dividing the American people: one moral—slavery; and the other, political—states' rights. The expanding economic and political power of the Southland bestirred jealousies in the North, seized upon by hot heads therein which made it increasingly patent that resort to force of arms would result, as principle after principle was violated for pecuniary preferment. The sons and daughters of Dixie, as hovering war-clouds cast their ominous shadows across their land, were compelled to defend their honor and to protect their homes and themselves against further prostitution of constitutional provisions.

Let it not be forgotten that it was Northern traders, some of whom founded the great fortunes upon which parasitical subsequent generations have subsisted, who penetrated the unexplored regions of darkest Africa and engaged in murder, robbery and piracy . . . to capture dark-skinned human beings—for work in their mills and factories. When found to be un-

suitable as technicians and skilled workers therein, these slaves, and their progeny, were sold in the South where kindlier treatment and more temperate climatic conditions contributed to their well-being, as well as being profitable to the economy of the South and, with it came the increasing political power of which the Northern industrialists were so jealous.

It was not because of the South's cruelty to the negro or because of her treachery to them or because she bound them in chains, as was falsely charged by the rabble-rousers, that battle was done to deliver the negro from these alleged perilous conditions. Nor was it the North's love and affection toward these pitiful creatures; rather, it was the greed and desire she had for economic advantage and political control.

Never can it be successfully charged and maintained that the Southland had no love for the Union for which her treasures were generously expended and her finest blood so freely shed to promote its interests and defend its honor. Not a single demand made by the South, amid the bitter passions and flaming prejudices of the stormy days preceding the crisis of '61, may be pointed to as unwarranted by the Constitution or which was not upheld by the Nation's highest judicial tribunal.

On the other hand, Northern states flagrantly violated the fundamental law of the land as provided in the Constitution or decreed by the Supreme Court and the land of Dixie was not accorded the rights to which every civilized nation is entitled under the law of Nations—after every object for which "a more perfect union" was formed and had failed. Almost a century later, free Americans were to witness a disgraceful parallel of this state of affairs as the callousness and irresponsibility of the Eisenhower Administration, through the chicanery of that conniving triumvirate of Brownell, Rogers and Nixon, engineered the unwarranted, unjustified and illegal military invasion and violation of the sovereignty and integrity of the commonwealth of Arkansas when bayoneted Federal troops, under the command of Major General Edwin A. Walker, overwhelmingly defeated teen-agers and bobby-soxers armed with book-satchels, lunch-boxes and slates. When all hope of redress had vanished,

there was no other course with honor left to pursue, save that taken by the Southern States. The devotion to the principles of the Constitution of Philadelphia is evidenced by the fact that the Constitution of the Confederacy was almost identical, save for amplification of ambiguous phrases therein.

Thereupon, the terrible notes of war were sounded and the true sons of our beloved Southland answered the call to arms. From the time the Stars and Bars were borne to victory over the bloody fields of Bull Run until the worn and depleted forces of Lee surrendered to Grant, at Appomattox, no homes ever had more staunch and able defenders; no country more brave and loyal soldiers. From the Old Dominion to sunny Florida; from the palmettos of the Carolinas to the sparse settlements of the Rio Grande, mothers, daughters, wives and sweet-hearts toiled and sacrificed in silence and their prayers were wafted on every breeze for loved ones "For whom no more the blazing hearth would burn."

And during these terrible and devastating days there were none more faithful to the Southern women, in their time of travail, than the old-time servants on the plantations, even though emancipated, yet set a pattern of loyalty and fidelity that may well be emulated today, by white and black alike and which, with intelligence and understanding, honor and honesty, would resolve most of today's inter-racial problems which are being fanned and exploited for pecuniary and political purposes by agitators, sit-inners and freedom-riders today.

It was in this conflagration that General Lee was to become the major military figure and which would bring to him everlasting renown in every phase of life.

Hostilities erupted while Colonel Lee was still in Texas, following a brief command at Fort Mason—about 125 miles from here. He was greatly disturbed and troubled over his course of action, with the withdrawal of Virginia from the Union which he loved deeply. General Scott ordered him to report to Washington which brought to an end his military services in Texas, during which sojourn, as always, his command—both officers and enlisted men—took great pride in their "Colonel Lee" as personifying the finest qualities of American soldiery.

His high principles, selfless devotion

to duty and the sense of justice which Lee exemplified were criteria for leadership.

He arrived at Arlington on March 1, 1861 and thereupon entered a new period of his life. He was permitted to know only a few short weeks of the affection and comfort of family and home before he was swept into the vortex of war. Lee's old comrade of Mexican war days, P. G. T. Beauregard, now with the Confederate Army, ordered his men to fire on Fort Sumter on April 12th, which surrendered two days later.

It was then Mr. Lincoln tendered Colonel Lee the command of the United States Army, which offer was declined. Lee hastened to General Scott to inform him of his decision, which came as no great surprise to Scott, and to resign his commission. With the invasion of Virginia imminent; the occasion which he hoped would never arise was upon him with terrible swiftness, and, the die cast, he heeded the call of Governor Lechter to come to Richmond to accept a command in the service of his native State. This ultimately brought him to the command of the Southern forces.

Until his men made their last march, under their hallowed flags, General Lee remained near them. Aware of the futility of further resistance, he returned to Richmond with weary and heavy heart. There he was met by his wife and daughters. His eyes were not closed to the wretched plight of the South. He realized it was not a time to nurture hate and bitterness, but conscious of duty performed, General Lee courageously accepted the fortunes of war. During the ensuing weeks, until mid-summer of 1865, he sought rest and reflections as he rode "Traveller" about the quiet of the countryside, which tended to raise his spirits.

Then, came August with a visit from Judge Brockenbrough, rector of Washington College, Lexington, whom he had never met, to announce that the trustees, on August 4, unanimously had elected General Lee president of the institution and urging his acceptance. After conferring with his friend, Dr. Wilmer, former Chaplain at the University of Virginia, the General, on August 24, wrote the committee of his willingness to assume the duties if it was thought his services would "be advantageous to the College and Country"; otherwise, he would have to decline.

The trustees proudly published the announcement of General Lee's acceptance, with the comment that "In dedicating his future life to the holy work of educating the youth of his country, General Lee presents a new and interesting phase of his grand and heroic character . . ."

Upon his arrival, he found the college barely alive. The confidence in General Lee inspired the school with a vigor it had never before experienced. His success in the direction of the College was phenomenal. The enrollment steadily increased, financial support became available and academic instruction broadened. General Lee avoided politics and continued to shun all discussion of the war. He kept advocating, in his quiet manner, his creed for southern recovery—work, economy, patience, self-denial and faith.

Shortly after the opening of the Session of 1869-70, the General suffered a heart attack from which he, apparently, soon recovered, but he began to experience some difficulty in breathing which became so serious by March 1870 that the faculty united in a request that he take a vacation which he spent in Florida. His condition improved slightly, but the opening of the next session of the College—the sixth under his Presidency—saw him rapidly failing in body, and by September 28th of 1870 he was forced to his bed.

All Lexington, all Virginia, the entire South was moved with deep anxiety. A week passed and it was whispered that his picture had dropped from the wall, which the superstitious said was an omen. Then followed another night when the sky flashed and shivered with an aurora borealis which recalled to mind a passage in Aytoun's "Edinburg after Flodden":

"All night long the northern streamers
Shot across the trembling sky;
Fearful lights that never beckon
Save when Kings or heroes die."

General Lee, it is reported, was the least concerned of all. The 11th of October found him wandering in mind, but once he spoke in tones as clear as battlefield orders to say, "Tell Hill he *must* come up." As the day waned, his condition worsened and, on her insistence, Mrs. Lee was wheeled into the room where she kept vigil, hour after hour, as she

sat there with his moist hand in hers until the hour of nine-thirty when came the end.

His military successes and reverses—and it was in this latter role that the true grandeur of his character shone forth more resplendently than in times of victory—are such as to warrant fuller discussion than is now propitious, although I do pause to inject that history presents no soldier with a prouder record of battles won over obstacles, apparently, unsurmountable and no citizen with a character more lordly, but let me adopt the descriptive words of the orator of another day, Senator Benjamin Hill of South Carolina, who said:

"When the future historian shall come to survey the character of Lee, he will find it rising like a huge mountain above the undulating plain of humanity, and he must lift his eyes high toward heaven to catch its summit.

"He possessed every virtue of other great commanders without their vices. He was a foe without hate; a friend without treachery; a soldier without cruelty; a victor without oppression; and a victim without murmuring.

"He was a public officer without vices; a private citizen without wrong; a neighbor without reproach; a Christian without hypocrisy; and a man without guile.

"He was Caesar, without his ambition; Frederick, without his tyranny; Napoleon, without his selfishness; and Washington, without his reward. He was obedient to authority as a servant, and royal in authority as a true king.

"He was gentle as a woman in life; modest and pure as a virgin in thought; watchful as a Roman vestal in duty; submissive to law as Socrates; and grand in battle as Achilles."

Remarks of Senator Hardeman Ordered Printed in Journal

On motion of Senator Willis and by unanimous consent Senator Hardeman was requested to reduce his remarks to writing and that the remarks be printed in the Journal.

Message from the House

Hall of the House of Representatives

Austin, Texas,

January 18, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 6, Authorizing State Building Commission to make survey.

S. C. R. No. 7, Permission for Moorlane Company to sue the State of Texas.

S. C. R. No. 8, Granting Dr. Ellis Carp permission to sue the Texas State Board of Examiners in Optometry.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following reports for Senator Roberts:

Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Finance, to whom was referred H. B. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

ROBERTS, Chairman.

Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Finance, to whom was referred S. B. No. 3, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

ROBERTS, Chairman.

Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Finance, to whom was referred S. B. No. 62, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Finance, to whom was referred S. B. No. 28, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

ROBERTS, Chairman.

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LANE, Chairman.

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 45, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 45 was read first time.

Senator Baker by unanimous consent submitted the following reports:

Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President
Tempore of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 2, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

BAKER, Chairman.

C. S. S. B. No. 2 was read first time.

Austin, Texas,
January 17, 1962.

Hon. Charles F. Herring, President
Tempore of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 1, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

BAKER, Chairman.

C. S. H. B. No. 1 was read first time.

**Committee Substitute
House Bill 1 Ordered Not Printed**

On motion of Senator Martin and by unanimous consent C. S. H. B. No. 1 was ordered not printed.

**Committee Substitute
Senate Bill 2 Ordered Not Printed**

On motion of Senator Martin and by unanimous consent C. S. S. B. No. 2 was ordered not printed.

House Bill 11 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 11 was ordered not printed.

Senate Concurrent Resolution 13

Senator Colson by unanimous consent offered the following resolution:

S. C. R. No. 13, Directing the Enrolling Clerk to make certain corrections in S. B. No. 1.

Be it Resolved by the Senate, the House of Representatives concurring, That the Engrossing and Enrolling Clerk of the Senate be and is hereby directed to make any needed technical, non-substantive changes in S. B. No. 1 such as correcting the subsection identification, amendment of the caption, etc.

The resolution was read.

On motion of Senator Colson and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 14

Senator Fuller by unanimous consent offered the following resolution:

S. C. R. No. 14, Granting permis-

sion to R. A. Coale to file amended petition in suit against the State of Texas.

Whereas, By Senate Concurrent Resolution No. 18 of the first called session of the 57th Legislature, 1961, adopted by the Senate on July 27, 1961, and by the House of Representatives on August 2, 1961, and approved by the Governor on August 26, 1961, permission was given to R. A. Coale, a resident of Beaumont, Jefferson County, Texas, to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable for damages to certain property owned by the said R. A. Coale near Rollover on Bolivar Peninsula in Galveston County as a result of the construction and opening of Rollover Pass; and

Whereas, The description of said property contained in said Senate Concurrent Resolution No. 18 was incorrect; and

Whereas, Such suit has been filed and service and process has been had in accordance with law and with said resolution; and

Whereas, The State has appeared and answered said suit; and

Whereas, It being the purpose and intent of the Legislature to authorize suit for damages to whatever property said R. A. Coale may own in said location; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said R. A. Coale may, by the filing of an amended petition in said suit, correctly describe whatever lands and property he may own in said location, which are alleged to have been damaged by the opening of said Rollover Pass; and be it further

Resolved, That notice of the filing of such petition may be given by the delivery of a copy thereof to the Attorney General of the State of Texas by depositing same in the United States mail, Certified, Return Receipt Requested; and be it further

Resolved, That nothing herein shall be construed to change or modify any of the terms and provisions of said Senate Concurrent Resolution No. 18, except as to the description of the property therein contained, and that all other terms and provisions thereof are hereby expressly affirmed and ratified.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 15

Senator Fuller by unanimous consent offered the following resolution:

S. C. R. No. 15, Granting permission to Walter F. Myers, Executor, to file amended petition in suit against the State of Texas.

Whereas, By Senate Concurrent Resolution No. 20 of the first called session of the 57th Legislature, 1961, adopted by the Senate on July 27, 1961, and by the House of Representatives on August 2, 1961, and approved by the Governor on August 26, 1961, permission was given to Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, a resident of Beaumont, Jefferson County, Texas, to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable for damages to certain property owned by the said Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, near Rollover on Bolivar Peninsula in Galveston County as a result of the construction and opening of Rollover Pass; and

Whereas, The description of said property contained in said Senate Concurrent Resolution No. 20 was incorrect; and

Whereas, Such suit has been filed and service of process has been had in accordance with law and with said resolution; and

Whereas, The State has appeared and answered said suit; and

Whereas, It being the purpose and intent of the Legislature to authorize suit for damages to whatever property said Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, may own in said location; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the said Walter F. Myers, Independent Executor of the Estate of Edna E. Myers, deceased, may by the filing of an amended petition in said suit, correctly describe whatever lands and property he may own in said location, which are alleged to have been damaged by the opening of said Rollover Pass; and be it further

Resolved, That notice of the filing of such petition may be given by the delivery of a copy thereof to the Attorney General of the State of Texas by depositing same in the United States mail, Certified, Return Receipt Requested; and be it further

Resolved, That nothing herein shall be construed to change or modify any of the terms and provisions of said Senate Concurrent Resolution No. 20, except as to the description of the property therein contained, and that all other terms and provisions thereof are hereby expressly affirmed and ratified.

The resolution was read and was referred to the Committee on Jurisprudence.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 7, Granting permission to sue the State of Texas.

H. C. R. No. 11, Granting the Christian and Missionary Alliance of the Southwest District permission to bring suit against the State of Texas.

H. C. R. No. 15, In memory of victims of a C-119 plane crash in Canada.

Respectfully submitted,
DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill 11 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 11, A bill to be entitled "An Act appropriating from the General Revenue Fund One Hundred and Fifty Thousand Dollars for the expenses of the Senate, and Two Hundred and Fifty Thousand Dollars for the expenses of the House of Representatives, for the Third Called Session of the 57th Legislature; designating the provisions, procedures, and purposes for the expenditures of such appropriations; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following committee amendment to the bill:

Amend H. B. No. 11 by deleting Section 1, 2 and 3 and by substituting therefor a new Section 1 to read as shown below, and by renumbering in sequential order the emergency clause.

"Section 1. There is hereby appropriated from the General Revenue Fund the sum of Two Hundred and Twenty Thousand Dollars (\$220,000) for the salaries, wages, per diem, and other expenses of Members, officers and employees of the Texas House of Representatives, and the sum of Fifty Thousand Dollars (\$50,000) for the salaries, wages, per diem, and other expenses of Members, officers and employees of the Texas Senate, for the Third Called Session of the Fifty-seventh Legislature. Expenditures from the appropriations made herein shall be subject to the provisions and procedures set forth in Chapter 1 (H. B. No. 1), Acts, 1961, Fifty-seventh Legislature, Regular Session."

The committee amendment was read and was adopted.

Record of Votes

Senators Hardeman, Parkhouse and Crump asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Martin offered the following committee amendment to the bill:

Delete the caption of H. B. No. 11 and substitute therefor the following:

A BILL

To Be Entitled

An Act appropriating from the General Revenue Fund \$220,000 for the expenses of the House of Representatives and \$50,000 for the expenses of the Senate for the Third Called Session of the Fifty-seventh Legislature; designating the purposes, provisions, and procedures for the expenditures of such appropriations; and declaring an emergency.

The committee amendment was adopted.

The bill as amended was passed to third reading.

Record of Vote

Senators Kazen, Hardeman, Hudson, Crump and Parkhouse asked to

be recorded as voting "Nay" on the passage of H. B. No. 11 to third reading.

Motion to Place

House Bill 11 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 11 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths votes of the Members present):

Yeas—20

| | |
|-----------|----------|
| Aikin | Martin |
| Baker | Patman |
| Calhoun | Ratliff |
| Colson | Reagan |
| Creighton | Rogers |
| Dies | Schwartz |
| Fuller | Secrest |
| Herring | Smith |
| Krueger | Spears |
| Lane | Willis |

Nays—8

| | |
|----------|-----------|
| Crump | Moffett |
| Hardeman | Moore |
| Hudson | Owen |
| Kazen | Parkhouse |

Absent

Roberts

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
|-----------|---------|

House Concurrent Resolution 15 on Second Reading

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 15, In memory of victims of a C-119 plane crash in Canada.

The resolution was read and was adopted by a rising vote of the Senate.

Motion to Place Committee Substitute House Bill 1 on Second Reading

Senator Martin asked unanimous consent to suspend the regular order of business and take up C. S. H. B. No. 1 for consideration at this time.

There was objection.

Senator Martin then moved to suspend the regular order of business and take up C. S. H. B. No. 1 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—19

| | |
|---------|----------|
| Baker | Moore |
| Calhoun | Ratliff |
| Colson | Reagan |
| Dies | Rogers |
| Fuller | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Spears |
| Martin | Willis |
| Moffett | |

Nays—10

| | |
|-----------|-----------|
| Aikin | Hudson |
| Creighton | Lane |
| Crump | Owen |
| Hardeman | Parkhouse |
| Hazlewood | Patman |

Absent

Roberts

Absent—Excused

Weinert

House Bill 12 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 12, A bill to be entitled "An Act amending Paragraphs (1) through (11), both inclusive, and Paragraphs (15) and (16) of Section One (1) of Chapter 357, Acts of the 53rd Leg., Regular Session, 1953; changing the name of the Board of Water Engineers to the Texas Water Commission and prescribing certain duties, powers and functions thereof; providing for the appointment of a Chief Engineer and prescribing his duties, powers and functions; enacting other provisions in regard to the administration of the water resources of the State; providing a savings clause; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following Committee Amendment to the bill:

Amend H. B. 12, Section 1, subsection (1) by striking out the following:

"Provided, however, that the Texas Water Commission shall not discard and shall continue to use until consumed all office supplies, stationery, envelopes, etc., which have imprinted thereon the former name of said Commission.

The Committee Amendment was read and was adopted.

Senator Parkhouse offered the following Committee Amendment to the bill:

Amend H. B. 12, Sec. 1, by deleting subsection (5) therein and inserting in lieu the following:

"(5) The Commission may, by means of administrative orders which shall be recorded in its minutes, delegate to the Chief Engineer the authority to employ, assign, reassign, promote, demote and adjust salaries of and discharge from employment, all employees and personnel authorized by the appropriation bills enacted by the Legislature to be employed for the performance of the duties of the Commission which are herein made the responsibility of the Chief Engineer under the direction of the Commission, including the authority to approve payrolls for personnel under his supervision, purchase requisitions for necessary supplies, equipment and services, and vouchers in payment therefor; provided, however, that all such actions relating to personnel shall be made in conformity with the Position Classification Act of 1961, as amended, and in conformity with the limitations set forth in appropriation bills enacted by the Legislature.

The Committee Amendment was read and was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 12 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and

that H. B. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Hardeman | Roberts |
| Hazlewood | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Spears |
| Lane | Willis |

Absent—Excused

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27

| | |
|-----------|-----------|
| Aikin | Moffett |
| Baker | Moore |
| Calhoun | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Dies | Reagan |
| Fuller | Roberts |
| Hazlewood | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Spears |
| Lane | Willis |
| Martin | |

Nays—3

| | |
|----------|------|
| Crump | Owen |
| Hardeman | |

Absent—Excused

Weinert

Leave of Absence

Senator Roberts was granted leave of absence for the remainder of the day on account of important business on motion of Senator Aikin.

(Senator Aikin in the Chair.)

Resolutions Signed

The Presiding Officer announced the signing of, by the President Pro Tempore, in the presence of the Senate after the captions had been read, the following enrolled resolutions:

H. C. R. No. 2, Granting permission to the J. L. Price Trucking Company to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 6, Granting permission to Bernice Crowder to sue the State of Texas and the State Highway Commission.

Committee Substitute

House Bill 1 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 1, A bill to be entitled "An Act to amend Title 53, Revised Civil Statutes of Texas, 1925, by adding Article 3272b to protect and preserve dormant deposits and inactive accounts held by a depository; defining terms; prohibiting the conversion or reduction of such accounts while in dormant or inactive status; requiring advertising for lost owners and reporting to the State of certain accounts of owners who cannot be located; providing for conservation and disposition of funds delivered to the State; creation of State Conservator Fund; providing and authorizing use of a revolving expense fund for enforcement; transfer of funds of liquidated depositories held by State Banking Commissioner; procedures for payment to owners at any time thereafter discovered; and other related rules and procedures; providing for presumptions and prima facie evidence, penalties, that article is supplemental, a severability clause, and declaring an emergency."

The bill was read second time.

Senator Lane offered the following amendment to the bill:

Amend the first paragraph of Sec. 1, Subsec. 3, of C. S. H. B. 1, by changing the period to a comma at the end of the first sentence and adding the following:

or, in lieu of such publishing, the depository may post such list in the lobby of such depository for at least thirty days of each calendar year in full view of those entering the lobby in which no charges against such account for such posting shall be made.

The amendment was read.

Senator Martin moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—16

| | |
|----------|-----------|
| Baker | Moffett |
| Calhoun | Parkhouse |
| Colson | Ratliff |
| Dies | Rogers |
| Hardeman | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Martin | Spears |

Nays—13

| | |
|-----------|--------|
| Aikin | Lane |
| Creighton | Moore |
| Crump | Owen |
| Fuller | Patman |
| Hazlewood | Reagan |
| Hudson | Willis |
| Krueger | |

Absent—Excused

| | |
|---------|---------|
| Roberts | Weinert |
|---------|---------|

Senator Parkhouse offered the following amendment to the bill:

Amend C. S. H. B. 1, Section 1, page 2, by striking out of the second complete paragraph the last sentence in said paragraph beginning with the word "newspapers" and ending in the word "County" and inserting in lieu thereof "a bank may post the names of said depositors in a conspicuous place in the lobby of the bank for 30 days."

The amendment was read.

On motion of Senator Martin the amendment was tabled.

Senator Owen offered the following amendment to the bill:

Amend C. S. H. B. No. 1 by adding a new subsection to Sec. 1 to be numbered Subsection 11, to read as follows:

"any person may bring suit against the depository or the State of Texas, as the proper case may be, for the recovery of any sums hereunder and upon recovery or establishment of said party's claim said party shall have and recover a reasonable attorney fee to be taxed as costs of

suit. Permission to sue the State of Texas is hereby granted to any such person under the terms of this Act."

The amendment was read.

Senator Martin moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—23

| | |
|-----------|----------|
| Aikin | Moffett |
| Baker | Moore |
| Calhoun | Patman |
| Colson | Ratliff |
| Creighton | Reagan |
| Fuller | Rogers |
| Hardeman | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Spears |
| Lane | Willis |
| Martin | |

Nays—5

| | |
|-----------|-----------|
| Crump | Owen |
| Hazlewood | Parkhouse |
| Hudson | |

Present—Not Voting

Dies

Absent—Excused

| | |
|---------|---------|
| Roberts | Weinert |
|---------|---------|

The bill was passed to third reading.

Record of Votes

Senators Hardeman, Owen, Lane, Hudson, Crump, Parkhouse, Creighton, Patman, Hazlewood and Willis asked to be recorded as voting "Nay" on passage of C. S. H. B. No. 1 to third reading.

Presentation of Mr. E. Griffith Dodson

Senator Hardeman by unanimous consent presented Mr. E. Griffith Dodson of Norfolk and Richmond, Virginia to the Members of the Senate. Mr. Dodson, a former Member of the House of Delegates, former Member of the Virginia Senate, clerk of the House of Delegates and Keeper of the Rolls of the State for twenty-seven years until his retirement January 8, 1962, addressed the Senate briefly.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read first time and referred to the committees indicated:

By Senator Rogers:

S. B. No. 65, A bill to be entitled "An Act amending paragraph (c) of Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as amended (compiled as Article 6675a-2, Vernon's Texas Civil Statutes), so as to provide that owners of certain construction machinery used for certain purposes and under certain conditions although required to register shall pay an annual registration fee of Five Dollars (\$5) instead of the regular registration fee; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Rogers:

S. B. No. 66, A bill to be entitled "An Act amending Article 1903, Revised Civil Statutes of Texas, 1925, so as to provide procedure for determining whether or not there shall be nominees for election to the office of joint clerk for the county and district court or nominees for the separate offices of district clerk and county clerk in all counties having a population of less than eight thousand (8,000) according to the last preceding Federal census; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Calhoun:

S. B. No. 67, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, located in Wood and Upshur Counties, to be known as the 'Wood and Upshur Counties Water District,' for the purpose of providing or acquiring a source or sources of water supply for municipal, domestic, industrial, and mining uses and processing and transporting the same and for the purpose of providing or acquiring storm sewers; providing for a method of electing a Board of Directors to govern said District; providing for the annexation of additional territory thereto; authorizing the District to do all things to make available for the above named uses underground water or water from surface sources and water it may obtain by purchase, lease, or operation of contracts with

persons, firms, corporations, and public agencies or the United States Government or any of its agencies; empowering the District to acquire land and construct, lease or otherwise acquire all facilities necessary or useful in diverting, impounding, storing, processing, or transporting water for the above named purposes; authorizing the District to lease or acquire rights in and to storage and storage capacity in any reservoir; authorizing the issuance of bonds and making provision for the payment and security thereof; making applicable to the District Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the District to be a municipal corporation within the meaning of Article 3268 of Title 52; providing that the District shall bear the expense of relocation, raising, or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; prescribing other powers and duties of the District; enacting other provisions relating to the subject; providing for severability; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Baker:

S. B. No. 68, A bill to be entitled "An Act prohibiting the possession or use of any seine, net, or trawl in or around the waters of Lake Houston in Harris County; providing for the use of certain tackle for catching bait in such waters; providing a penalty for the violation of any provision of this Act; granting the Game and Fish Commission the power to seize and hold certain tackle as evidence; repealing all laws or parts of laws in conflict herewith, with certain exceptions; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Baker:

S. B. No. 69, A bill to be entitled "An Act amending Article 4623, R.C.S. of Texas, 1925, as amended by Chapter 407, S. B. No. 24, Acts 55th Legislature of Texas, R. S., 1957, by adding thereto a provision that a wife shall never be the joint maker of a note or a surety on any bond or obligation of another without the joinder of her husband with her in making such contract; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Ratliff:

S. B. No. 70, A bill to be entitled "An Act amending Article 326K-27, Vernon's Revised Civil Statutes, authorizing the appointment of an investigator by the District Attorney of the 118th Judicial District, to serve as investigator in that Judicial District, prescribing his powers and duties and providing for his compensation and expenses; and declaring an emergency.

To the Committee on Counties, Cities and Towns.

By Senator Patman:

S. B. No. 71, A bill to be entitled "An Act amending Section 3 of Chapter 10, Acts of the 57th Legislature, First Called Session, 1961, so as to authorize the State Parks Board to grant concessions to certain concessioners to charge for the use of a pier to be constructed in Lavaca Bay; and declaring an emergency.

To the Committee on Game and Fish.

By Senator Creighton:

S. B. No. 72, A bill to be entitled "An Act conveying whatever right title or interest the State of Texas may have in certain lands to the City of Mineral Wells; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Secrest:

S. B. No. 73, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as McLennan County Water Control and Improvement District-Bosqueville Hills; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority, and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Con-

stitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation and no hearing for exclusions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; authorizing District certain rights, powers, and authority for and in connection with its systems, facilities, and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District but limited to McLennan County, Texas, and related matters; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for terms and election of Directors; providing Directors to fill vacancies; providing for organization of Board of Directors; providing for employment of engineers, attorneys, fiscal agents, managers, and employees; providing for sale and price of bonds or refunding bonds; providing for exchange of bond or refunding bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, and incontestability of the bonds or refunding bonds; making bonds or refunding bonds eligible investments; making inapplicable to the District certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended; exempting property and bonds of the District from taxation, and related matters; providing for an annual audit, fiscal year, and related matters; providing District shall bear expense of relocating, raising, or re-routing of any highway, railroad, utility lines, or pipelines made necessary by its exercise of the power of eminent domain; enacting other provisions related to the aforementioned subjects; granting District power to lease or contract for water supply, sewage disposal, drainage, and related systems, facilities and services, and to operate, maintain, collect, account to owners of the systems, and related matters; providing for a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Martin:

S. B. No. 74, A bill to be entitled "An Act to amend Chapter 4 of the Insurance Code (Acts 1951, 52nd Leg., Ch. 491, as amended) by adding thereto a new article to be designated Art. 4.08, relating to escheat and unclaimed funds, providing that said Article shall be known as the 'Unclaimed Funds Statute for Life Insurance Companies'; defining the scope of the Article; defining terms; providing for reports by life insurance companies; requiring notice to be published; requiring payment of certain unclaimed funds to the State Treasurer of Texas and allowing extension of time for reports by said official; providing for custody of unclaimed funds by State Treasurer and Indemnity for said companies by the State; providing for reimbursement of said companies for claims paid; creating a special trust fund and providing for administration thereof; providing for determination, review and payment of claims; requiring records by said companies; providing that other escheat measures shall be inapplicable; fixing an effective date; providing for penalties; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

Reports of Standing Committees

Senator Colson by unanimous consent submitted the following reports:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 41, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 54, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Privileges and Elections, to which was referred S. B. No. 60, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Hardeman, by unanimous consent, submitted the following reports:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 15, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 25, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Colson by unanimous consent submitted the following reports for Senator Aikin:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 65, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 66, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Session for Consideration of Local and Uncontested Bills Calendar

On motion of Senator Martin and by unanimous consent, the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar on Tuesday January 23, 1962, at 2:30 o'clock p.m.

Welcome Resolutions

S. R. No. 33—By Senator Krueger for President Pro Tempore Herring: Extending welcome to Mrs. Parmley and Mrs. Love and Third Grade Class of Govalle School in Austin.

S. R. No. 34—By Senator Dies: Expressing admiration to Mrs. Amy Stubblefield for her many years of public service.

Memorial Resolution

S. R. No. 35, Memorial Resolution for Ben C. Belt.

Adjournment

Senator Hardeman moved that the Senate stand adjourned until 10:30 o'clock a.m., on Monday, January 22, 1962.

Senator Martin moved that the Senate stand adjourned until 3:00 o'clock p.m. today.

Question first on the motion of Senator Hardeman to adjourn until Monday, 10:30 o'clock a.m.

The motion to adjourn was lost by the following vote:

Yeas—8

| | |
|----------|-----------|
| Aikin | Hudson |
| Calhoun | Lane |
| Crump | Moore |
| Hardeman | Parkhouse |

Nays—21

| | |
|-----------|----------|
| Baker | Owen |
| Colson | Patman |
| Creighton | Ratliff |
| Dies | Reagan |
| Fuller | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Kazen | Smith |
| Krueger | Spears |
| Martin | Willis |
| Moffett | |

Absent—Excused

| | |
|---------|---------|
| Roberts | Weinert |
|---------|---------|

Question next on the motion of Senator Martin that the Senate stand adjourned until 3:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 1:29 o'clock p.m. adjourned until 3:00 o'clock p.m. today.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the motion to adjourn.

NINTH DAY

(January 18, 1962)

The Senate met at 3:00 o'clock p.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

| | |
|-----------|-----------|
| Aikin | Hazlewood |
| Baker | Herring |
| Calhoun | Hudson |
| Colson | Kazen |
| Creighton | Krueger |
| Crump | Lane |
| Dies | Martin |
| Fuller | Moffett |
| Hardeman | Moore |